

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

In the Matter of:

CHRISTIAN E. DORSEY

Debtor

Chapter 13

Case No. 19-13402-BFK

**MOTION TO DISMISS WITH PREJUDICE,**  
**NOTICE OF MOTION TO DISMISS WITH PREJUDICE**  
**AND**  
**NOTICE OF SCHEDULED HEARING ON THIS MOTION**

Thomas P. Gorman, Trustee, moves pursuant to 11 U.S.C. §1307 and §1330(a) for revocation of the October 20, 2020 confirmation of Debtor's Plan and also for dismissal of this case with prejudice, and states as cause therefore the following:

1. This case was commenced by the filing of a Chapter 13 Petition on October 16, 2019.
2. Debtor filed Schedules, including Schedules I/J and Form 122C, at the same time he filed the Petition.
3. In those Schedules Debtor listed a \$1,096.00/mo. deduction at Line 5 of Schedule J (Dkt. #1, pg. 37) and also at Line 9b of Form 122C-2 (Dkt. #1, pg. 51).<sup>1</sup>
4. Upon information and belief, that \$1,096.00/mo. deduction was attributable to a second trust mortgage obligation.
5. Debtor has since filed three (3) Amended Schedule J's, all of which have contained the same \$1,096.00/mo. deduction for Debtor's second trust mortgage obligation.<sup>2</sup> The most recent representation of the six affirmative representations<sup>3</sup> that he had an ongoing \$1,096.00/mo. second trust payment obligation was just made on September 17, 2020.
6. The most recent such Plan filed September 17, 2020 was confirmed by Order entered October 20, 2020 (Dkt. #68) and provides for an estimated 30% distribution to unsecured creditors.

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<sup>1</sup> Debtor amended Form 122C on March 26, 2020 (Dkt #40), which amendment also included the \$1,096.00/mo. deduction.

<sup>2</sup> Dkt. #19, pg. 9; Dkt. #39, pg. 9; Dkt. #63, pg. 9)

<sup>3</sup> Two Form 122C's and four Schedule J's.

**Notice and Motion to Dismiss**

Christian E. Dorsey, Case #19-13402-BFK

7. Debtor's Plans and budgets have all been based on his affirmative representations that his disposable income should be reduced by that \$1,096.00/mo. second trust mortgage payment.
8. It now turns out that the second trust was forgiven and released prior to the filing of the Petition and that Debtor has never made a single payment on it since filing this case.
9. Debtor had no good faith basis for deducting this expense on the four Schedule J's he filed with the Court.
10. At the time Debtor filed each of his four Schedule J's in this case he knew he would not be making the \$1,096.00/mo. payment on the second trust in the future.
11. But for his improper deduction of this expense on his two Form 122C and his four Schedule J's, Debtor's Plan payment would have been required to be \$1,096.00/mo. more that he is presently paying.
12. Unsecured creditors have been directly prejudiced by Debtor's affirmative misrepresentation of his financial obligations.
13. Cause exists under 11 U.S.C. §1330(a) to revoke the confirmation Order entered October 20, 2020 as it was procured by fraud.
14. Debtor's conduct and lack of veracity also warrant dismissal of this case with prejudice.

WHEREFORE Trustee prays that the confirmation order entered October 20, 2020 be revoked and that this case be dismissed with prejudice for a period of not less than two (2) years, and for such other and further relief as the Court deems appropriate.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

**Notice and Motion to Dismiss**

Christian E. Dorsey, Case #19-13402-BFK

***Attend the hearing to be held on December 3, 2020 at 1:30 p.m. in Courtroom #1 on the 2<sup>nd</sup> floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.***<sup>4</sup> If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman  
300 North Washington Street, Ste. 400  
Alexandria, VA 22314

Clerk of the Court  
United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: \_\_November 12, 2020\_\_

\_\_\_\_/s/ Thomas P. Gorman\_\_\_\_  
Thomas P. Gorman  
Chapter 13 Trustee  
300 N. Washington Street, #400  
Alexandria, VA 22314  
(703) 836-2226  
VSB 26421

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 12<sup>th</sup> day of November, 2020, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss with Prejudice, Notice of Motion and Notice of Hearing to the following parties.

Christian E. Dorsey  
Chapter 13 Debtor  
1009 S. Columbus St.  
Arlington, VA 22204

Tommy Andrews, Jr., Esq.  
Attorney for Debtor  
122 N. Alfred St.  
Alexandria, VA 22314

and to all Creditors and Parties of interests on the attached Matrix.

\_\_\_\_/s/ Thomas P. Gorman\_\_\_\_  
Thomas P. Gorman

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<sup>4</sup> Pursuant to the Bankruptcy Court's Protocol in response to COVID-19 Public Health Emergency, parties appearing for hearings shall appear telephonically at the hearing through the Court's CourtSolutions program <http://www.court-solutions.com>.

Label Matrix for local noticing  
0422-1

Case 19-13402-BFK

Eastern District of Virginia  
Alexandria

Tue Nov 10 10:38:38 EST 2020

SPECIALIZED LOAN SERVICING LLC  
8742 Lucent Blvd, Suite 300  
Highlands Ranch, CO 80129-2386

United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314-5405

Amex  
Correspondence/Bankruptcy  
Po Box 981540  
El Paso, TX 79998-1540

Capital One Auto Finance  
Attn: Bankruptcy  
Po Box 30285  
Salt Lake City, UT 84130-0285

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Rd., Suite 100  
Saint Paul, MN 55125-1703

Equifax Check Services  
PO Box 30272  
Tampa, FL 33630-3272

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

JPMorgan Chase Bank, N.A.  
s/b/m/t Chase Bank USA, N.A.  
c/o National Bankruptcy Services, LLC  
P.O. Box 9013  
Addison, Texas 75001-9013

Specialized Loan Servicing LLC  
6200 S. Quebec Street  
Greenwood Village, CO 80111-4720

Capital One Auto Finance, a division of Capi  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

Specialized Loan Servicing LLC  
14841 DALLAS PKWY SUITE 425  
Dallas, TX 75254-8067

AT&T Universal Citi Card  
Attn: Bankruptcy  
Po Box 790034  
St Louis, MO 63179-0034

Arlington County Treasurer  
2100 Clarendon Blvd, Ste 217  
Arlington, VA 22201-5447

Capital One Auto Finance, a division of  
AIS Portfolio Services, LP  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

Costco Anywhere Visa Card  
Attn: Bankruptcy  
Po Box 6500  
Sioux Falls, SD 57117-6500

Experian  
475 Anton Blvd  
Costa Mesa, CA 92626-7037

Internal Revenue Service  
PO Box 621504  
Atlanta, GA 30362-3004

(p)JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

Synchrony Bank/Amazon  
Attn: Bankruptcy  
Po Box 965060  
Orlando, FL 32896-5060

(p)PNC BANK RETAIL LENDING  
P O BOX 94982  
CLEVELAND OH 44101-4982

Specialized Loan Servicing, LLC  
SHAPIRO & BROWN, LLP  
501 Independence Parkway, Suite 203  
Chesapeake, VA 23320-5174

American Express National Bank  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern PA 19355-0701

Brock & Scott  
484 Viking Dr, Ste 203  
Virginia Beach, VA 23452-7321

(p)JPMORGAN CHASE BANK N A  
BANKRUPTCY MAIL INTAKE TEAM  
700 KANSAS LANE FLOOR 01  
MONROE LA 71203-4774

Early Warning Services  
16552 N 90th St.  
Scottsdale, AZ 85260-1619

Fidelity National Title Insurance Company  
c/o Staci Ulrich  
2533 N. 117th Ave.  
Omaha, NE 68164-3679

Internal Revenue Service - VA  
Centralized Insolvency  
P.O. Box 7346  
Philadelphia, PA 19101-7346

LVNV Funding, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

TD Bank USA, N.A.  
C O WEINSTEIN & RILEY, PS  
2001 WESTERN AVENUE, STE 400  
SEATTLE, WA 98121-3132

Target

Attn: Bankruptcy

Po Box 9475

Minneapolis, MN 55440-9475

(p) TELECHECK SERVICES INC

P O BOX 6806

HAGERSTOWN MD 21741-6806

TransUnion

P.O. Box 2000

Chester, PA 19016-2000

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United Bank  
500 Virginia St E  
Charleston, WV 25301-2199

Virginia Department of Taxatio  
PO Box 2156  
Richmond, VA 23218-2156

Christian E. Dorsey  
1009 S. Columbus St.  
Arlington, VA 22204-3423

John P. Fitzgerald, III  
Office of the U.S. Trustee - Region 4  
1725 Duke Street  
Suite 650  
Alexandria, VA 22314-3489

Thomas P. Gorman  
341 Dial 866-630-6853 Code: 6786636  
300 N. Washington St. Ste. 400  
Alexandria, VA 22314-2550

Tommy Andrews Jr.  
Tommy Andrews, Jr. P.C.  
122 North Alfred St.  
Alexandria, VA 22314-3011

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

PNC Bank, N.A.  
PNC Mortgage, a division of PNC Bank, N.  
3232 Newmark Drive  
Miamisburg, OH 45342

Chase Card Services  
Attn: Bankruptcy  
Po Box 15298  
Wilmington, DE 19850-0000

Jefferson Capital Systems LLC  
Po Box 7999  
Saint Cloud Mn 56302-9617

(d)Pnc Mortgage  
Attn: Bankruptcy  
3232 Newmark Drive  
Miamisburg, OH 45342-0000

Telecheck Services, Inc.  
5251 Westheimer  
Houston, TX 77056-0000

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Capital One Auto Finance, a division of Ca  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

(d)Specialized Loan Servicing LLC  
14841 Dallas Pkwy Suite 425  
Dallas, TX 75254-8067

(d)Capital One Auto Finance, a division of Ca  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

(d)United Bank  
500 Virginia St E  
Charleston, WV 25301-2199

End of Label Matrix  
Mailable recipients 38  
Bypassed recipients 4  
Total 42